

REMARKS

I. Status of the Application

Claims 1-19 are pending in this application. Claims 4, 14, 16 and 19 are objected to on the grounds of various formalities spelled out in the Office Action. Claims 6, 10 and 14 stand rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. Claims 1-12 and 14-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,176,409 to Lee ("Lee"). Claims 1-12, 14 and 16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,097,328 to Urushizaki ("Urushizaki"). Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee or Urushizaki. Claims 17-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee or Urushizaki. Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of U.S. Patent No. 4,527,722 to Strachan ("Strachan"). Claim 1 has been canceled. Claims 2-4, 6, 8, 10-17 and 19 have been amended. New claim 20 has been added.

Applicant respectfully requests entry of the foregoing amendments, and reconsideration of the pending claims. Each of the Examiner's rejections is addressed below.

II. The Informalities Have Been Addressed

Claims 4, 14, 16 and 19 are objected to on the grounds of various formalities spelled out in the Office Action. This rejection is respectfully traversed. Claims 4, 14, 16 and 19 have been amended in non-limiting fashion as suggested by the Examiner and are now believed to be in proper form.

III. The Claims Are Definite

Claims 6, 10 and 14 stand rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. This rejection is respectfully traversed. Claim 6 has been amended in non-

limiting fashion by deleting the phrase “in particular by opening the flap”. This limitation has been incorporated in new claim 20. Claim 10 has been amended in non-limiting fashion by deleting the phrase “in particular”. Claim 14 has been amended in non-limiting fashion by deleting the phrase “and the like”.

IV. The Claims Are Novel Over Lee

Claims 1-12 and 14-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lee. This rejection is respectfully traversed.

Lee discloses a tape dispenser having a body 100 in which a roll of tape 400 is placed. A drawing means moves the tape through an opening in the body. A cutting means is provided within the housing for cutting the tape.

Lee does not disclose or make obvious a method of dispensing tape requiring the steps of sterilizing a tape dispensing apparatus and dispensing the tape on or adjacent the skin of an individual, as required by independent claim 10. Lee is directed to a tape dispenser for use with stationery, and there is simply no disclosure in Lee of sterilizing its tape dispenser nor using it to dispense tape on or adjacent the skin of an individual.

As acknowledged in the Office Action, Lee fails to disclose first and second receiving elements are tailored to each other such that the supply roll can only be inserted with the core onto the receiving elements in one position, as required by independent claim 17, from which claims 2-9, 12, 14 and 15 depend. Accordingly, the rejection is improper and should be withdrawn.

V. The Claims Are Novel Over Urushizaki

Claims 1-12, 14 and 16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Urushizaki. This rejection is respectfully traversed.

Urushizaki discloses a tape dispenser having a body 3 in which a roll of tape 2 is placed. The body has an opening 10 through which the tape can be dispensed. A cutting blade 15 is provided within body 3 for cutting the tape.

Urushizaki does not disclose or make obvious a method of dispensing tape requiring the steps of sterilizing a tape dispensing apparatus and dispensing the tape on or adjacent the skin of an individual, as required by independent claim 10. Urushizaki is directed to a tape dispenser for use with cellophane adhesive tape, and there is simply no disclosure in Urushizaki of sterilizing its tape dispenser nor using it to dispense tape on or adjacent the skin of an individual.

As acknowledged in the Office Action, Urushizaki fails to disclose first and second receiving elements are tailored to each other such that the supply roll can only be inserted with the core onto the receiving elements in one position, as required by independent claim 17, from which claims 2-9, 12, 14 and 16 depend. Accordingly, the rejection is improper and should be withdrawn.

VI. The Claims Are Non-Obvious Over Lee and Urushizaki

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee or Urushizaki. This rejection is respectfully traversed.

Neither Lee nor Urushizaki disclose or make obvious a tape dispenser having a hand-held housing with a receiving means, guiding means, cutting means, and operating means that are substantially manufactured from metal, as required by independent claim 13.

The Office Action states that adhesive tape dispensers of metal convention are convention[al]. Applicant respectfully submits that hand-operated tape dispensing apparatus having a hand-held housing and components formed of metal are not known and not obvious. Such a tape dispensing apparatus with metal components is especially advantageous since it can be sterilized and, therefore, used in medical applications.

Claims 17-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee or Urushizaki. This rejection is respectfully traversed.

The Office Action acknowledges that the combination of Lee and Urushizaki fails to disclose first and second receiving elements are tailored to each other such that the supply roll can only be inserted with the core onto the receiving elements in one position, as required by claim 17. The Office Action then goes on to state that it is convention[al] to provide a core and a receiving means with mating elements to hol[d] the core tightly in position.

Applicant respectfully submits that whether or not what is stated in the Office Action is conventional, it is irrelevant with respect to the required limitation of claim 17. As noted above, claim 17 requires first and second receiving elements that are tailored to each other such that the supply roll can only be inserted with the core onto the receiving elements in one position. This is neither disclosed nor made obvious in either Lee or Urushizaki or by a combination of these references. This required limitation advantageously ensures that the correct side of the tape, that is, the adhesive side, is always directed to the body to which it is to be adhered.

Accordingly, the rejection is improper and should be withdrawn.

VII. The Claims Are Non-Obvious Over Lee in View of Strachan

Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Strachan. This rejection is respectfully traversed.

Strachan is cited as disclosing a multiple-unit tape dispenser where there are multiple receiving positions for supply rolls of tape, wherein the tape can be pulled from any roll at will.

Neither Strachan nor Lee discloses or makes obvious at least two receiving positions for supply rolls of tape that are provided in a housing. Strachan discloses a plurality of tape dispenser housings, each having its own roll of tape, that are removably secured to one another. In fact, Strachan teaches away from the present invention. Strachan distinguishes itself from a tape dispenser that does not have a housing for each roll of tape. At col. 1, lines 17-28, in a discussion of U.S. Pat. No. 4,262,835, Strachan states that it is disadvantageous to have multiple (specifically, ten as found in the '835 patent) rolls of tape in a housing, since the individual compartments are not modular and cannot be detached from the remainder of the tape dispenser if fewer rolls are needed. Accordingly, the rejection is improper and should be withdrawn.

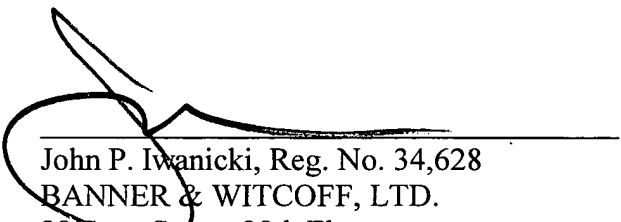
VIII. Conclusion

Reconsideration and allowance of pending claims 2-20 is respectfully requested. If a telephone conversation with Applicant's attorney would expedite prosecution of the above-identified application, the Examiner is urged to call the undersigned at (617) 720-9600.

The Commissioner is hereby authorized to charge any additional fees or credit overpayment to Deposit Account No. 19-0733.

Respectfully submitted,

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